IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3177 OF 2007

Shri Lalit Kumar Bhikamchand Jain ..Applicant

Vs.

The State of Maharashtra and anr. ..Respondents

Mr.J.B. Choudhary for applicant.
Mr. D.P. Adsule, APP for State.
Ms. Rupali Pawar i/by Mr. R.S. Shekhawat for respondent no.2.

CORAM: B.H. MARLAPALLE, J.

Date : October 03, 2007.

P.C.:

1. Heard the learned counsel for both the parties i.e. the complainant and the accused. The present respondent no.2 filed a complaint for the offence punishable under Section 406 of IPC against the present applicant and it came to be registered as Criminal Case No. 297/PW/2005. However, during the pendency of the said complaint, they settled the dispute amongst themselves and applied to the learned Magistrate for compounding the offence under Section 320(2) of Cr.P.C. on 21/8/2007. The said application

came to be rejected on 18/9/2007 on the grounds that the muddemal in the case was exceeding Rs.2000/- in value and, therefore, the compounding was not permissible.

2. Though the learned counsel for the parties do not find fault with the order passed by the learned Magistrate in rejecting the application for compounding, they seek to invoke the inherent powers of this court under Section 482 of Cr.P.C. and pray for quashing of the complaint. The original complainant - present respondent no.2 has consented for the same.

3. Hence, the application is allowed and the proceedings in Criminal Case No.297/PW/2005 presently pending before the learned Additional Chief Metropolitan Magistrate, 47th Court, Esplanade, Mumbai are hereby quashed on account of the settlement arrived between the parties.

(B.H. Marlapalle,J.)